

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BURNIS MORTON, JR.,)
Plaintiff,)
v.) 1:04CV867
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
Defendant.)

J-U-D-G-M-E-N-T

On October 14, 2005, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and served on the parties in this action and a copy was given to the court. No objections were received by the court within the time prescribed by the statute.

The court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED AND ADJUDGED that the Plaintiff's motion for summary judgment [Pleading No. 11] be **DENIED**, that the Commissioner's motion for judgment on the pleadings [Pleading No. 13] be **GRANTED**, that the Commissioner's decision is **AFFIRMED**, and that this action be dismissed with prejudice.

William J. O'Brien
UNITED STATES DISTRICT JUDGE

DATE: December 19, 2005